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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

 Plaintiff,

v.

MARISSA LAPID,

 Defendant.

2:12-CR-391(LDG)(VCF)

**GOVERNMENT'S MOTION TO AMEND
 ORDER ISSUED AT DEFENDANT'S CHANGE
 OF PLEA HEARING TO PAY FORFEITURE
 JUDGMENT TO THE CUSTOMS AND BORDER PROTECTION
 DIVISION OF THE DEPARTMENT OF HOMELAND SECURITY**

On October 29, 2012, defendant, Marissa Lapid, was indicted on one count of bulk cash smuggling, in violation of 31 U.S.C. § 5332 and one count of conspiracy to structure transactions with the intent to evade reporting requirements in violation of 31 U.S.C. § 5324(a)(3). At her change of plea hearing that occurred on October 29, 2012, the defendant pled guilty to both counts of the indictment. This Court also entered a preliminary order of forfeiture against the defendant at that hearing. That preliminary

1 order of forfeiture ordered the defendant to forfeit \$40,000.00 in United States currency
2 and also imposed a forfeiture money judgment against the defendant in the amount of
3 \$159,700.00, pursuant to 31 U.S.C. §§5317(c)(1) and 5332(b)(2). (The defendant had
4 agreed to the forfeiture amounts in her signed plea agreement with the United States.)

5 At her change of plea hearing, the defendant requested that she be permitted to pay
6 the forfeiture judgment of \$159,700.00 prior to sentencing, and this Court granted that
7 request.

8 Court Clerk records indicate that on November 6, 2012, the defendant paid the
9 \$159,700.00 forfeiture judgment with a check that she gave to the Clerk of this Court.
10 That check has been deposited into the registry of this Court.

11 The Immigrations and Customs Enforcement, Homeland Security Investigations is
12 the federal agency that sponsored this criminal investigation; and it is the agency that
13 should receive the proceeds that have been ordered forfeited by the Court so that those
14 funds can be deposited into the appropriate Treasury Asset Forfeiture Fund account. A
15 check to receive these funds should be made payable to the Department of Homeland
16 Security, Customs and Border Protection which processes forfeitures for Homeland
17 Security Investigations.

18 Because the defendant has deposited this money with the registry of the Court, in
19 satisfaction of the forfeiture judgment entered against her, she has no interest or stake in
20 where the money is directed within the federal government. (In any event, a copy of this
21 motion has been served on defendant's counsel.)
22

23 If this Court does not order the payment of the forfeiture judgement to the Customs
24 and Border Patrol, the money will remain in the registry of this Court, *ad infinitum*, rather
25
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1 than in the United States Department of Treasury Asset Forfeiture Fund where it should
2 be deposited.

3 For all of the foregoing reasons, the United States asks that this Court order that
4 the Clerk of this Court, pay \$159,700.00, drawn on the Clerk's Registry and made
5 payable to Customs and Border Protection.
6

7
8 Respectfully submitted,

9
10 DANIEL G. BOGDEN
United States Attorney

11 /s/ Michael A. Humphreys
12 MICHAEL A. HUMPHREYS
13 Assistant United States Attorney

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15 **PROOF OF SERVICE**

16 I, Ray Southwick, certify that on February 8, 2013, the foregoing Government's
17 Motion to Amend the Preliminary Order of Forfeiture was served on Defendant's Counsel
by the below identified method of service:

18 U.S. Mail

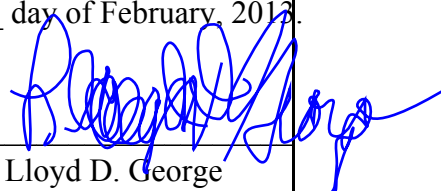
19 Michael Mascarello
20 The Bach Law Firm
21 6053 South Fort Apache Rd.
Suite 130
22 Las Vegas, NV
89148

23 /s/ Ray Southwick
24 Ray Southwick

ORDER

25 IT IS SO ORDERED.

DATED this 11 day of February, 2013.

26
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Lloyd D. George
Sr. U.S. District Judge